

REMARKS

In the Office Action, the drawings were objected to. Claim 2 was objected to under 37 CFR 1.75(c). Claim 13 was objected to. Claims 1, 2, 5 and 16 were rejected under 35 USC §102(b) as being anticipated by GB 2171906. Claims 1, 2 and 5 were rejected as being anticipated by U.S. Patent No. 5,824,334. Claims 3 and 4 were rejected under 35 USC §103(a) as being unpatentable over GB '906 in view of U.S. Patent No. 5,830,463. Claims 3 and 4 were rejected under 35 USC §103(a) as being unpatentable over US '334 in view of US '463. Claims 6-9, 12-15 were rejected under 35 USC §103(a) as being unpatentable over GB '906 in view of U.S. Patent No. 5,733,574. Claims 6, 7, 9 and 11 were rejected under 35 USC §103(a) as being unpatentable over GB '906 in view of U.S. Patent No. 6,358,060. Claim 12 was rejected under 35 USC §103(a) as being unpatentable over GB '906 in view of US '574 or over GB '906 in view of US '060 and further in view of GB 2 299 756.

Claim 1 has been amended to include the subject matter of cancelled claim 3. Of the rejections in the Office action, the rejections in paragraphs 11 and 12 concerned claim 3.

With regard to paragraphs 11 and 12, the Examiner's rejection is based on a combination of Patent No 5,830,463 ('463) with either GB 2,171,906 ('906) or U.S. Patent No. 5,824,334 ('334). Neither '906 nor '334 disclose or suggest the use of yeast cells. '334 is directed to nicotine released in dosage form

administered by virtue of a holder member which facilitates insertion and removing of the dosage form into and out of a user's mouth (column 5, lines 20-27). Claim 1 of U.S. Patent No. 5,824,334 discloses a powdered compressed carbohydrate matrix dissolvable in the oral cavity of a patient and a pharmacologically effective dose of nicotine dispersed in the matrix, such that when the matrix dissolves in the mouth of the patient, the dose of nicotine is released for absorption. There is no disclosure nor suggestion that the use of yeast cells will be capable of encapsulating and retaining nicotine and furthermore be capable of releasing the encapsulated nicotine on contact. It is submitted that there is no motivation for the skilled person to combine this document with '463, particularly as '463 is directed to modulating an immune response which is clearly not the object of '334, nor is the present invention directed to such compositions.

'906 is directed to a device containing means whereby a compound is administered at a continuous, controlled rate. Again, the patent neither discloses nor suggests the use of yeast cells for encapsulating nicotine nor does it suggest such cells will be capable of retaining and releasing the nicotine on contact.

Further, the '463 patent is directed to compositions that effectively modulate immunity, either to stimulate an immune response or to suppress an undesirable immune response (column 2, lines 22-27). In the summary of the invention, it is disclosed

that the patent is directed to yeast vehicles comprising at least one compound capable of modulating an immune response, amongst other things.

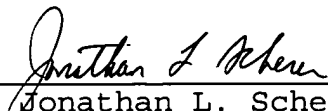
In contrast, the present invention is not directed to such compositions. Furthermore, the '463 patent at column 6, lines 10-14 infers that the patent is directed to protecting organisms from disease. It is therefore submitted that one of ordinary skill in the art would not be motivated to combine the teaching of '334 in view of the '463 patent.

Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, patentably distinguish over the references cited and applied by the Examiner and are, therefore, in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

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